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Attorneys for Defendant
ABBOTT LABORATORIES

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MEIJER, INC. & MEIJER DISTRIBUTION,
INC., on behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

[caption continues next page]

No. C 07-5985 CW

*Related Per November 30, 2007 Order to
Case No. C 04-1511 CW*

**DECLARATION OF SAMUEL S. PARK
PURSUANT TO CIV. L.R. 79-5(D)**

Date: March 6, 2008
Time: 2:00 p.m.
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

ROCHESTER DRUG CO-OPERATIVE, INC.,
on behalf of itself and all others similarly
situated,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

No. C 07-6010 CW

*Related Per December 3, 2007 Order to
Case No. C 04-1511 CW*

**DECLARATION OF SAMUEL S. PARK
PURSUANT TO CIV. L.R. 79-5(D)**

LOUISIANA WHOLESALE DRUG
COMPANY, INC., on behalf of itself and all
others similarly situated,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

No. C 07-6118 CW

*Related Per December 10, 2007 Order to
Case No. C 04-1511 CW*

**DECLARATION OF SAMUEL S. PARK
PURSUANT TO CIV. L.R. 79-5(D)**

SMITHKLINE BEECHAM CORPORATION,
d/b/a GLAXOSMITHKLINE,

Plaintiff,

vs.

ABBOTT LABORATORIES,

Defendant.

Case No. C 07-5702 CW

*Related Per November 19, 2007 Order to
Case No. C 04-1511 CW*

**DECLARATION OF SAMUEL S. PARK
PURSUANT TO CIV. L.R. 79-5(D)**

SAFEWAY INC.; WALGREEN CO.;
THE KROGER CO.; NEW ALBERTSON'S,
INC.; AMERICAN SALES COMPANY, INC.;
and HEB GROCERY COMPANY, LP,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

No. C 07-5470 CW

*Related Per October 31, 2007 Order to
Case No. C 04-1511 CW*

**DECLARATION OF SAMUEL S. PARK
PURSUANT TO CIV. L.R. 79-5(D)**

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RITE AID CORPORATION; RITE AID
HDQTRS, CORP.; JCG (PJC) USA, LLC;
MAXI DRUG, INC. d/b/a BROOKS
PHARMACY; ECKERD CORPORATION;
CVS PHARMACY, INC.; and CAREMARK,
L.L.C.,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

No. C 07-6120 CW

*Related Per December 5, 2007 Order to
Case No. C 04-1511 CW*

**DECLARATION OF SAMUEL S. PARK
PURSUANT TO CIV. L.R. 79-5(D)**

Date: March 6, 2008
Time: 2:00 p.m.
Courtroom: 2 (4th Floor)
Judge: Hon. Claudia Wilken

1 I, Samuel S. Park, declare:

2 1. I am an attorney at law, admitted *pro hac vice* to practice in this Court for
3 these matters. I am an associate with the law firm of Winston & Strawn LLP, counsel of record for
4 Abbott Laboratories (“Abbott”), and am authorized to make this Declaration in that capacity.

5 2. I submit this Declaration pursuant to Local Rule 79-5(d).

6 3. On February 14, 2008, Plaintiffs filed their Request For Judicial Notice In
7 Support Of Their Opposition To Abbott’s Omnibus Motion To Dismiss. They filed Exhibit 1 of
8 their Request for Judicial Notice, which consists of pages 1, 17-19, 27-31, and 98 of Rebuttal Expert
9 Report of Joel W. Hay, Ph.D. (“Hay Rebuttal Report”), under seal. Abbott previously had
10 designated these pages as highly confidential under the Court’s protective order.

11 4. By letter dated February 21, 2008, Abbott withdrew its confidentiality
12 designations for the pages 1, 17-19, 27-30, and 98 of Rebuttal Expert Report of Joel W. Hay, Ph.D.

13 5. Page 31, ¶ 45, of Hay Rebuttal Report, however, contains confidential
14 business information related to negotiated royalty rates paid by various licensees to Abbott in return
15 for the license regarding Abbott’s Norvir patents. In recognition of the fact that this information is
16 competitively sensitive, Abbott and its licensees included confidentiality provisions in the license
17 agreements protecting the disclosure of the royalty rates.

18 6. This Court previously has concluded that Abbott’s license agreement with one
19 of its licensees, GSK, was protected from public disclosure. “The agreement contains confidential
20 information related to negotiated terms and royalty rates. Abbott has filed a declaration establishing
21 that this information is a trade secret which, if made public, could damage Abbott’s ability to
22 compete in the market. Additionally, there is no particular public interest in having access to this
23 specific information. Accordingly, the Court finds that a compelling interest exists to file this
24 exhibit under seal.” (2/5/08 Order, Docket No. 45, 07-cv-05702-CW).

25 7. To preserve the confidentiality asserted by both Abbott and its licensees and
26 also consistent with this Court’s 2/5/08 Order, Abbott has redacted a part of the Hay Rebuttal
27 Report, Page 31, ¶ 45, from public disclosure.

